G. R. S. 58]

*Previous references.*

**File No.** 200 - 14

1914.15
( Courts )

**Serial Nos.** ( 1 )

*Later references.*

Preserve
Ahr 24/6/26

# GENERAL AND REVENUE SECRETARIAT.

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*Serial Nos.* ( 1 )

**Part B for** July 15.

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SUBJECT.

No age restriction to members of the Bar entering the Judicial Service (Judicial Conference Subj No. 79—14).

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1) To the Regr., Chief Ct & Secry, Judicial Conf.
L 211-2 of 19-7-15.
States that as the existing rules have worked satisfactorily, it is not necessary to change the existing rules.

GPB—10,000—23-3-15

4.8.15

G. R. S. 11] 1914-15

# GENERAL AND REVENUE SECRETARIAT.

( Courts )

## NOTES.

File No. 200 of 1914

FILE HEADING.

No age restriction to members of the Bar entering the judicial service (Judl Confce Subject No. 7 of 1914)

From

No. Dated Received

Diary No. Enclos. Spare Copies. Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

GPB—20,000—3-8-14

C R. S. 12]

General and Revenue Secretariat.

C. File No. 200 of 1914-15

Serial No.

7. That no age restrictions should be placed for the appointment of the candidates from the Bar to the judicial service.

Regd 15/1/918

Forwarded unofficially to the Registrar, Chief Court, for favour of obtaining the opinion of the Judges of the Chief Court on the above resolution of the Judicial Conference of 1914.

By order

Srinivasa

for Asst: Secy to Govt.

W.O. f 45-14

11th Jan 1915.

Opinion of the Chief Court

3240/203 d/27/1.15

d/17/1.15

2) The CHIEF JUDGE :- It is mainly a matter for the Government to consider, the principal question being one of pension. If officers are to be superannuated at 56 or 57 years of age it is not much use taking them into service say at 45. But it will be necessary in the case of Subordinate Judges if the suggested rule as to their appointment from the Bar is adopted, to rule that they are not subject to the 35 years rule; otherwise the selection may be unduly restricted. In such cases they will either have to take their chance of getting a pension, or will have to be treated exceptionally in that matter. It is unnecessary to relax the rule in the case of Munsiffs unless in very exceptional cases.

Vide para V in the copy or procs put up.

d/24/1.15

3) In Madras though the limit for ~~entertainment~~ enlistment of Munsiffs is 35 years, efforts are generally made to-

NOTE—Contn. sheet.

GPB—25,000—2-11-14

G. R. S. 12]

General and Revenue Secretariat.

C5 File No. 200 of 1914.15

Serial No.

to appoint younger men, partly that they may have time to earn a full pension, and partly because it is felt that if a man ~~under~~ reaches 35 without acquiring a sufficient income at the Bar to make a Munsiff's post unattractive, he is, speaking generally, not likely to be a very brilliant candidate.

22-1-15 4) Mr. Justice K.S. CHANDRASEKHARA AIYAR :- I invite attention on this point to the following extract of mine given under Subject No. 5 :-

5) "The recruitment of officers for the Judicial Department is a matter wherein, with a comparatively limited field for selection, it would be wise for Government not to bind itself at this stage by any hard and fast rules. A substantial proportion of the appointments to the lowest class of judicial officers will no doubt always be made from among the ranks of practising lawyers; and it is a question why those of them with a longer standing and larger experience at the Bar should be excluded by virtue of a rule limiting selections to persons of 35 years of age and below, or why at any rate the limit should not be raised in the case of practising lawyers to (say) 45 years. Selections from among men already in service will relatively be infrequent but should not be barred. It would certainly be a good plan to train for judicial work civilian officers with aptitude for the law; and as regards judicial Sheristedars

and

and other ministerial officers, though the selections made in recent years have not always proved happy, this I think is due not so much to any inherent fault of the method as to the unhappiness of the choice. But whatever the mode of recruitment adopted, selections should always be governed by the one aim of securing the best men available. Candidates known to and whole-heartedly approved by the Chief Court, and such only, should be selected for first appointments,....."

22-1-15 5) Mr. JUSTICE T. PARAMASIVA IYER :- The raising of the age-limit for Munsiffs to 35 was fundamentally wrong as striking at the root-principle of the service Regulations that human nature being what it is brainy men can be atracted and kept honest in most cases only by the prospect of a decent pension to keep them in comfort in their old age. The retirement age is properly fixed at 55 when most Indians are generally worked out and the prospects of a Munsiff 30 years old with every chance of earning a maximum pension after 25 years' service are very different from those of a Munsiff of 35 years with only 20 years to rise and a third pension to look forward to. Only the other day they perpetrated in Madras the mistake of appointing a man of over 52 ~~years~~ as a District Judge who cannot even if he rises to be High Court Judge claim any pension when he reaches the

G. R. S. 12]

General and Revenue Secretariat.

A File No. 200 of 1914-15

Serial No.

the age of 60. A similar mistake was made in our service when an Advocate of 48 years was appointed to the Chief Court a few years ago. I would therefore suggest that the maximum age-limit for a Munsiff newly appointed to the service be 30 years, for a Subordinate Judge and District Judge 35 to 40 years and for a Chief Court Judge 45 years.

Bangalore
D/ 26th January 1915

N. Gopalaiengar
REGISTRAR.

P.T.O.

NOTE—Contn. sheet.

6

G. R. S. 12]

General and Revenue Secretariat.

C6 File No. 200 of 1914-15

| | Serial No. | |
|---|---|---|
| W<br>CS 258-04 | 6 | 6) In July 1905 the age limit of persons appointed to Judicial offices directly from the Bar was raised from 30 to 35 and such persons were also exempted from the operation of art 337 (a), M.S.R., reducing the pension by one-fortieth for every year by which the person's age exceeded the limit prescribed. |
| Pages 2-6 | | 7) Sub^d with the unoff. opinion of the Judges of the Chief Court. |
| | | ug.<br>5/7/1915 MC |
| | | 8) A perusal of the Civil List shows that everywhere the average age limit of persons appointed is only 30 or even less. It is only in too exceptional cases that ~~a~~ persons above 35 were appointed as Subordinate Judges. ~~Munsiffs~~ The age limit of ~~3~~ 35 years is strictly observed with regard to the appointment of Munsiffs. Generally men of ~~30~~ or below 30 are appointed. An undue restriction as to the age limit will minimise the prospects of securing the services of intelligent and capable men. ~~[illegible]~~ At the same time, the points noted by Mr Paramasiva Iyer cannot be completely ignored. |
| | | 9) ~~[illegible] that~~ The existing rules have worked satisfactorily; ~~[illegible]~~ in proper cases, the age limit has not stood in the way of Govt appointing competent |

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General and Revenue
Secretariat.

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Serial No.

persons as judicial officers, ~~and that~~ Draft that Govt do not consider it necessary to change the rules.

ES
7/7/15

ab
7/7

IC Subd with a draft order.

Reg.
8/7/15

11) For approval of the order

ES
8/7

First member)

Draft appd by First member
15.7.15.

MSS

Occu 16/7

B
20/7

12) Issue

ES 16/7

To The Registrar, chief court
The Secretary, Judl conference
No J. 211-2 d 19-7-15.

States that, as the existing rules have worked satisfactorily, it is not necessary to change the existing rules.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

17/7/15

Age limit being removed in the case of appointments of members of the Bar to judicial service (8

G.R.S. 28]

File No. 200-14

Serial No. 1

Diary No. of letter replied to

*Proceedings of the Government of His Highness*
*the Maharaja of Mysore*

GENERAL AND REVENUE
SECRETARIAT.
( )

, *the* 191 .

READ—

Resolution No 7 of the Judicial Conference of 1914 recommending that no age restrictions should be placed in the appointment of the candidates from the Bar to the judicial service.

Date of issue 19/7/1915.

Signed by Mr C. Sreenivasa Iyer

ORDER THEREON.—No. J 211-2.

The existing rules have worked satisfactorily and the age limit has not stood in the way of competent ~~person~~ members of the Bar being appointed to judicial offices.

R.T. over.

SUBJECT.

GPB—50,000—1-12-12

17/7/15

Govt consider it, therefore, unnecessary to change the existing rules.

Es 8/7/15
For ~~Offg.~~ Secy

15/7/15

To The Registrar, Chief Court
The Secy, Judl Comr C.
Copy to the Press Room.

Reg.
8/7/15